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EXAMINER

HAILE, AWET A

ART UNIT

PAPER NUMBER

2474

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Art Unit: 2474

**Continuation of 11, the request for reconsideration has been considered but does NOT place the application in condition for allowance because:**

**Regarding independent claims 22, 40, 41 and 46** the applicant argues that, the combination of Cecile and Johansson does not teach “executing a third determination whether a total amount of said resources shared by the at least two operators in use for the first operator exceeds a second threshold” Remarks Page 16 second paragraph and page18, paragraphs 3-4.

Examiner respectfully disagrees, Cecile’s paragraphs 58, 61, 62, 69, 70 and Figs. 6-7 teaches, a common controller 606 controlling operators A, B and C access to a shared resource/spectrum 602 by increasing/decreasing target thresholds associated with access requesting operator, thus, Cecile’s common controller 606 controlling access to the shared resources/ spectrum suggest that determining or comparing current target threshold for the access requesting operator(operator B) with the available/total shared resources and decreasing the target threshold if shared resource is no longer available ( i.e., it reads on applicant’s argue claim limitation, *executing a third determination whether a total amount of said resources shared by the at least two operators in use for the first operator exceeds a second threshold*). Furthermore, Cecile’s method of controlling/limiting operator’s access to the shared network based on the target threshold associated with the operator clearly suggests that, comparing operator’s current use of shard resource with the target threshold. Thus it's clear that the combination of Cecile and Johansson teaches applicant’s broadly claimed invention.

**Regarding dependent claim 45**, the applicant argues that the combination of Cecile, Johansson and Peltola does not teach”...wherein the second threshold is related to an agreed proportion of resources shared by the at least two operators for use by the first operator...”

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Examiner respectfully disagrees, Peltoal's column 3 line 20- column 4 line 52 and Figs. 1, 3, 5, 6 teaches, operators A and B sharing a radio network resources, and assigning portions of the shared radio resources to each of operators A and B, Peltoal' also teaches, determining whether amount of resources used by the operator B is greater than a threshold indicating operator B maximum use of the assigned shared radio resources, in order to enable operators B to request more resources from the shared radio recourse currently allocated to operator A. Thus, the threshold associated with operator B for using the shared network reads on applicant's argued claim limitation "*second threshold is related to an agreed proportion of resources shared by the at least two operators for use by the first operator*".

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "... In Peltola, there is no concept of having a common pool of resources that is shared by multiple operators...") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant does **not** specifically claimed (in claim 45) a common pool of resources that is shared by multiple operators".

In response to applicant's arguments against the references individually (remarks, page 18 and 20) one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to AWET HAILE whose telephone number is (571)270-3114. The examiner can normally be reached on Monday through Friday 8:30 AM - 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on (571)272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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